IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8671 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

---

SARMISHTHABEN MATHURBHAI PATEL

Versus

UNION OF INDIA

---

Appearance:

M/S THAKKAR ASSOC. for Petitioner

MS PJ DAVAWALA for Respondent No. 1

---

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 05/09/2000

ORAL JUDGEMENT

Rule. Ms.Davawala, Ld.Addl.Central Govt.Standing Counsel appears and waives service of rule for the respondent.

1. In this petition under Article 226 of the Constitution, the petitioner has prayed for a direction to the Regional Passport Officer, Ahmedabad to correct the mistake in the place of birth of the petitioner as recorded in the passport.

2. As per the birth certificate produced by the petitioner at the hearing of this petition petitioner-Ms.Sarmishthaben, daughter of Mathurbhai Patel was born at village Dholakuva, Taluka Manasa, Dist.Gandhinagar on 5.12.1984. In the school certificate the place of birth of the petitioner was mentioned as Dholakuva, Taluka Vijapur. However, earlier while applying for the passport the petitioner had committed mistake in mentioning Gandhinagar as the place of birth of the petitioner. The explanation is that the mistake was committed by the petitioner's agent while filling the application.

3. Having heard the learned counsel for the petitioner and Ms.Davawala, Ld.Addl.Central Govt.Standing Counsel for the Union of India it is directed that on the basis of material which may be produced by the petitioner including the aforesaid birth certificate, the Regional Passport Officer, Ahmedabad shall consider the petitioner's application for correction in place of birth as expeditiously as possible and in any case within one month from the date of receipt of the application.

In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

4. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

5. Since the respondent is not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the respondent within two weeks from today. Direct Service is permitted.

5.9.2000 (M.S.SHAH,J)